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LEGAL AID BOARD

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State protection available for woman and children in Pakistan who experience domestic violence from their parents and from men

A statement issued by the *Asian Human Rights Commission* notes:

“Violence against women is seen to be of no importance to the judiciary of Pakistan, particularly the lower judiciary. Women face numerous types of violence perpetuated by the state and its agents, including rape, gang rape, torture, registration of false cases of adultery, honour killing, Jirga (an illegal, parallel judicial system for the exchange of minor girls in land disputes,) burying alive or putting before dogs, acid throwing, no free choice of marriages, restriction of freedom of movement and expression, domestic violence, sexual harassment at the workplace, snatching of children, forcing conversion to Islam, blasphemy, deprivation of property rights, disappearance after arrest and being used as sex slaves in military torture cells.” (Asian Human Rights Commission (25 November 2009) *Pakistan: A Statement on the International Day for Elimination of Violence against Women*)

In a section titled “Political Rights and Civil Liberties” the *Freedom House* annual report on Pakistan for 2009 states:

“A combination of traditional norms, discriminatory laws, and weak enforcement contributes to a high incidence of rape, domestic abuse, acid attacks, and other forms of violence against women; according to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of rape and other sexual crimes are often pressured by police not to file charges, and they are sometimes urged by their families to commit suicide. Gang rapes sanctioned by village councils as a form of punishment for crimes committed by the targeted woman’s relatives continue to be reported, despite the fact that harsh sentences have been handed down against the perpetrators in some cases. The discriminatory Hudood Ordinances, under which women could be charged with adultery arising from rape cases, were reformed with the passage of the Women’s Protection Act in December 2006. Under the new law, a woman is no longer required to produce four Muslim male witnesses to prove rape, and judges are required to try rape cases under criminal law rather than Sharia. However, extramarital sex is still criminalized, and marital rape is not recognized as a crime.” (Freedom House (16 July 2009) *Freedom in the World - Pakistan (2009)*)

A press statement issued by the Pakistani women's rights organisation *Aurat Foundation* notes:

"The State, the honorable Judiciary, the free media, the women's rights and human rights organizations and common citizens MUST KNOW that 1384 daughters of Pakistan were murdered; 928 daughters of Pakistan were raped; 683 daughters of Pakistan committed suicide; and 604 daughters of Pakistan were killed in the name of 'honour' in year 2009; only to mention some, and we cannot do anything to stop these crimes (we owe thanks only to media which reported these cases and brought these violations to our notice). With extreme pain and anguish, Aurat Foundation and Members of Violence against Women Watch Group express their outrage and resentment over this state of affairs where women and girls are being murdered, kidnapped and subjected to various forms of violence, including killings in the name of 'honour', suicides, acid throwing and stove-burning with shameless impunity and the State functionaries are doing nothing except lip service before TV cameras, and that too, only in some high profile cases." (Aurat Foundation (1 February 2010) *Statistics of violence against women in Pakistan in 2009*)

In a paragraph headed "Awareness rising" an *IRIN News* report states:

"Over the past decade, however, awareness of the issue has risen. Since 2006 the Pakistan Ministry of Women's Development has been running at least 10 crisis centres in major cities, where victims of domestic abuse or other violence receive legal, financial and psychological support, and counselling regarding their options. Domestic violence has also been discussed in both Pakistan's provincial and national assemblies. A draft Protection Against Domestic Violence of Women and Children Act was drawn up by the Federal Law Ministry early in 2007, but has not yet been passed. These efforts also appear to have had some positive impact on police efforts to curb domestic violence. In a high profile case in January 2007, Karachi police arrested a national sporting hero, Moin Khan, a former captain of Pakistan's cricket team, after his wife complained of being beaten by him. He was later released on bail, but the case focused public attention on the issue and underscored that assault on wives was a crime under Pakistani law. Yet despite these developments, violence remains widespread." (IRIN News (11 March 2008) *Pakistan: Domestic violence endemic, but awareness slowly rising*)

In a section titled "Women" the 2010 *US Department of State* country report on Pakistan states:

"Women who tried to report abuse faced serious challenges. Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse for fear of dishonoring the family." (US Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices – Pakistan*)

The following paragraph in this section states:

“The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. There were approximately 70 district-run shelter homes and approximately 250 facilities operating as emergency shelters for women in distress, including female police stations and homes run by provincial social welfare departments and NGOs. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. In some cases women were abused at the government-run shelters.” (ibid)

A paragraph titled “Women Crisis Centre” of a report published by the *International Organization for Migration* states:

“Women Crisis Centres, Government of Pakistan – offer temporary shelter to females of any age who have been victims of violence of any form (from domestic violence to rape, trafficking etc.). Women can stay at the shelter for around 3 months after which all efforts are made to successfully reintegrate the women into society by either settling the dispute with the families in court or by facilitating them in finding jobs, finding an apartment/room, providing basic housing items and also groceries. If, however, they are unable to do both, women are welcome to stay at the shelter where they are given various vocational trainings (eg. stitching, cutting, purse making, pouch making, paper handbags etc) in order to earn a living. They are also taught various skills like computer training (for the literate girls) and trainings on how to start a business. The women are also given medical, legal and psycho-social help. Women with children are also accommodated and the children are provided with education in collaboration with partner organizations.” (International Organization for Migration (28 April 2009) *Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin – IRRICO II: Pakistan*, pp.7-8)

In a section titled “Shelter Provisions” an *Immigration and Refugee Board of Canada* response to a request for information quotes from a report by the South Manchester Law Centre as follows:

“A crisis centre is the first stage of contact for a woman before admission to a shelter. Crisis centres play a crucial role in assessing a woman's needs and the risks she faces. A woman is never turned away without full assessment of her case. If necessary, immediate action is taken to protect her. Lawyers, advice workers and counsellors are available to offer immediate support to women at the centres. After the initial assessment the woman is then referred to a shelter.” (Immigration and Refugee Board of Canada (26 November 2009) *PAK103284.E – Pakistan: Resources available to female victims of violence in Karachi, Islamabad and Lahore*)

This report also states:

“The Secretary of the Ministry of Women Development's 2007 presentation stated that the government of Pakistan was expanding its network of women's centres and shelters at the district level; these centres and shelters provide legal support to female victims of violence (Pakistan 22 May 2007, 6). A 2008 article by the UN Integrated Regional Information Networks (IRIN) states that the Ministry of Women Development runs 10 crisis centres located in major cities of Pakistan (11 Mar. 2008). The website of the Ministry of Women Development contains information on the Islamabad Women's Centre, which offers free legal aid and medical care (Pakistan n.d.). The Centre also offers accommodation, education and vocational skills training (ibid.). The website does not contain information on similar centres in Lahore or Karachi.” (ibid)

Human Rights Watch comments on the failure to pass domestic violence legislation as follows:

“The Domestic Violence (Prevention and Protection) Bill was passed unanimously by the National Assembly on August 4, 2009, but the bill lapsed after the Senate failed to pass it within the three months required under the country's constitution. ‘Victims of domestic violence have long faced a double injustice - abuse at home and then no protection from the government,’ said Ali Dayan Hasan, senior South Asia researcher at Human Rights Watch. ‘The proposed law has widespread support in Pakistan, and the government should make passing it a priority.’” (Human Rights Watch (11 January 2010) *Pakistan: Expedite Domestic Violence Legislation*)

Human Rights Watch further states:

“The Domestic Violence bill seeks to prevent violence against women and children with a network of protection committees and protection officers and prompt criminal trials for suspected abusers. The bill defines domestic violence as including, though not being limited to, ‘all intentional acts of gender-based or other physical or psychological abuse committed by an accused against women, children or other vulnerable persons, with whom the accused person is or has been in a domestic relationship.’ The bill requires the court to set a hearing within three days of receiving a complaint and to adjudicate the case within 30 days. The law prescribes incremental terms of imprisonment and fines for each breach of a protection order.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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